

### REMARKS

In the Office Action mailed November 9, 2001, Claims 7-28 are held subject to a restriction requirement. The Examiner contends that the claims are directed to methods for protecting a technical material such as wood, paper, leather etc. from insects and from fungal attack by employing many different types of heterocyclic and non-heterocyclic compounds. The Examiner further contends that all the claims read on a multitude of compounds, which would require many fields of search and result in an undue burden being placed upon the Examiner. Applicants have cancelled Claims 22-24 and 26-28 and reserve the right to file divisional applications to the nonelected inventions.

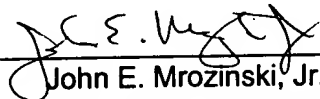
The Examiner also requested that the applicants select a single invention of the specific compounds for examination and add claims directed to those selections. Applicants have added Claims 29 and 30 selecting 1-(6-chloro-3-pyridylmethyl)-2-nitroimino-imidazolidine as the insecticide and  $\pm\alpha$ [2-(4-chlorophenyl ethyl)- $\alpha$ -(1,1-dimethylethyl)-1H-1,2,4-triazole-1-ethanol as the fungicide.

Applicants contend that such amendment adds no new matter and finds support in the specification. Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached pages are captioned "Version with markings to show changes made".

C nclusi n

Applicants respectfully submit that the instant application is in condition for allowance. Accordingly, early examination and a Notice of Allowance are respectfully requested for Claims 7-21, 25, 29 and 30. If the Examiner is of the opinion that the instant application is in condition for other than allowance, he is requested to contact the applicants' Attorney at the telephone number given below so that additional changes may be discussed.

Respectfully submitted,

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s:/sr/jem0005

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE SPECIFICATION:**

The specification has been amended as follows:

On page 1, after the title, the first paragraph has been replaced with the following paragraph:

--This is a divisional application of Serial No. 08/543,351, filed October 16, 1995, now U.S. Pat. No. 6,323,224, which is a continuation of Serial No. 07/872,279, filed April 22, 1992 now abandoned.--

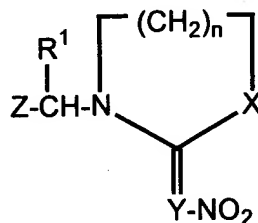
**IN THE CLAIMS:**

Claims 22-24 and 26-28 have been cancelled without prejudice.

The claims have been amended as follows:

7. (Amended) A method of protecting a technical material comprising [the step of] applying to the technical material a composition comprising:

[(a)] from about  $10^{-6}$  to 30 parts by weight of an insecticide having the formula (I)



(I)

wherein X is NH or S,

Y is CH or N,

Z is 2-chloro-5-pyridyl or 2-chloro-5-thiazolyl,

R<sup>1</sup> is hydrogen or methyl, and

n is 0 or 1; and

[(b)] from about 0.01 to about 90 parts by weight of a fungicide.

8. (Amended) [A] The method [according to] of Claim 7, wherein the insecticide is 1-(6-chloro-3-pyridylmethyl)-2-nitroimino-imidazolidine.

9. (Amended) [A] The method [according to] of Claim 7, wherein the technical material is selected from the group consisting of wood, composite wood materials, paper, leather, leather products, synthetic polymers, natural polymers, textiles, and combinations thereof.

10. (Amended) [A] The method [according to] of Claim 9, wherein the technical material is wood or a composite wood material.

11. (Amended) [A] The method [according to] of Claim 7, wherein the fungicide is selected from the group consisting of: N-dichlorofluoromethylthio-N',N'-dimethyl-N-phenyl sulfuric acid diamide, N-dichlorofluoromethylthio-N',N'-dimethyl-N-p-toluylsulphamide, N-trichloromethylthiophthalimide, N-dichlorofluoromethylthiophthalimide, 3-iodo-2-propynyl-butylcarbamate, 3-iodo-2-propynyl-hexylcarbamate, 3-iodo-2-propynyl-cyclohexylcarbamate, 3-iodo-2-propynyl-phenylcarbamate, diiodomethyl-p-tolylsulphone, ortho-phenylphenol, tribromophenol, tetrachlorophenol, pentachlorophenol, 1-(4-chlorophenoxy)-3,3-dimethyl-1-(1H-1,2,4 triazol-1-yl)-2-butanone,  $\beta$ -1(4-chlorophenoxy)- $\alpha$ -(1,1 dimethylethyl)-1H-1,2,4 triazole-1-ethanol,  $\pm\alpha$ [2-(4-chlorophenyl ethyl)]- $\alpha$ -(1,1-dimethylethyl)-1H-1,2,4-triazole-1-ethanol, 1-[2(2,4-dichlorophenyl) 4-propyl-1,3-dioxolan-1-ylmethyl]-1H-1,2,4-triazole, 1-[2(2,4-dichlorophenyl)-1,3-dioxolan-2-ylmethyl]-1H-1,2,4-triazole, (RS)-2(2,4-dichlorophenyl)-1-(1H-1,2,4-triazole-2-yl)-2-ol, 1-N-propyl-N-[2,4,6-trichlorophenoxy]ethyl carbamoylimidazol, 2(2'-furyl)-1H-benzimidazole, methylbenzimidazol-2-ylcarbamate, 2(4'-thiazolyl) benzimidazole, methyl (1-butylcarbamoyl)-2-benzimidazole carbamate, N-methylisothiazolin-3-one, 5-chloro-N-methylisothiazolin-3-one, 4,5-dichloro-N-octylisothiazolin-3-one, N-octylisothiazolin-3-one, C<sub>14</sub>-C<sub>11</sub>-4-alkyl-2,6-dimethylmorpholine, 1-hydroxy-2-pyridine-thione and sodium, iron, manganese and zinc salts thereof, tetrachloro-4-methylsulphonyl pyridine, tris-(N-cyclohexyldiaziniumdioxy) aluminum, bis-(N-cyclohexyldiaziniumdioxy) copper, zinc naphthenate, copper salt of 8-hydroxyquinoline, 1,2,3,5-tetrachloro-4,6-cyanobenzene, N'(3,4-dichlorophenyl)-N,N,-dimethylurea, boric acid, borax, borates, methylenebisthiocyanate, 2-thiocyanomethylthiobenzothiazole, tributyl tin octoate, tributyl tin oleate, bistributyl

tin oxide, tributyl tin naphthenate, tributyl tin phosphate, tributyl tin benzoate, and combinations thereof.

12. (Amended) A method of protecting a wood product selected from the group consisting of wood and wood composites against attack by insects comprising applying directly thereto an amount sufficient to effect protection thereof of the compound 1-(6-chloro-3-pyridylmethyl)-2-nitroimino-imidazolidine, wherein the 1-(6-chloro-3-pyridylmethyl)-2-nitroimino-imidazolidine is in the form of a composition further comprising a fungicidally effective amount of a fungicide selected from the group consisting of trihalosulphenyl compounds, iodine compounds, phenols, azole compounds, tin compounds, thiocyanate compounds, quaternary ammonium compounds, benzimidazole compounds, isothiazolinone compounds, morpholine compounds, pyridine compounds, N-cyclohexyldiaziniumdioxo compounds, naphthenate compounds, quinoline compounds, nitriles, boric compounds, ureas, furane compounds, and combinations thereof, and wherein said compound is applied in manner selected from the group consisting of [i)] soaking said wood product in or with said compound, [ii)] impregnating said wood product with said compound, [iii)] brushing said compound onto said wood product, [iv)] spraying said compound onto said wood product, and [v)] dipping said wood product in said compound.

13. (Amended) [A] The method [according to] of Claim 12, wherein the composition comprises from 0.01 to 90 parts by weight of a fungicide

14. (Amended) A method of protecting a wood product selected from the group consisting of wood and wood composites against attack by insects comprising applying directly thereto a composition comprising an amount sufficient to effect protection thereof of the compound 1-(6-chloro-3-pyridylmethyl)-2-nitroimino-imidazolidine and from 0.01 to 90 parts by weight of a fungicide, wherein the composition is applied in manner selected from the group consisting of [i)] soaking said wood product in or with said compound, [ii)] impregnating said wood product with said compound, [iii)] brushing said compound onto said wood product, [iv)] spraying said compound onto said wood product, and [v)] dipping said wood product in said compound.

$$\begin{array}{c} \text{R}^1 \\ | \\ \text{Z}-\text{CH}-\text{N} \begin{array}{l} \diagup \text{---} (\text{CH}_2)_n \text{---} \diagdown \\ \diagdown \text{---} \text{C}=\text{Y}-\text{NO}_2 \text{---} \diagup \\ \diagup \text{---} \text{X} \end{array} \end{array}$$

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3-(6-chloro-3-pyridylmethyl)-2-nitromethylene-tetrahydro-2H-1,3-thiadine, and combinations thereof.

17. (Amended) [A] The method [according to] of Claim 16, wherein the insecticide is 1-(6-chloro-3-pyridylmethyl)-2-nitroimino-imidazolidine.

18. (Amended) [A] The method [according to] of Claim 15, wherein the composition comprises from about  $10^{-6}$  to 30 parts by weight of the insecticide and from about 0.01 to about 90 parts by weight of the fungicide.

19. (Amended) [A] The method [according to] of Claim 15, wherein the composition comprises from about 0.0005 to 15 parts by weight of the insecticide and from about 0.05 to about 50 parts by weight of the fungicide.

20. (Amended) [A] The method [according to] of Claim 15, wherein the composition comprises from about 0.005 to 2 parts by weight of the insecticide and from about 0.1 to about 30 parts by weight of the fungicide.

21. (Amended) [A] The method [according to] of Claim 15, wherein the technical material is a wood product.

25. (Amended) [A] The method [according to] of Claim 15, wherein the fungicide is selected from the group consisting of: 1-(4-chlorophenoxy)-3,3-dimethyl-1-(1H-1,2,4 triazol-1-yl)-2-butanone,  $\beta$ -1(4-chlorophenoxy)- $\alpha$ -(1,1 dimethyl-ethyl)-1H-1,2,4 triazole-1-ethanol,  $\pm\alpha$ [2-(4-chlorophenyl ethyl)- $\alpha$ -(1,1-dimethylethyl)-1H-1,2,4-triazole-1-ethanol, 1-[2(2,4-dichlorophenyl) 4-propyl-1,3-dioxolan-1-ylmethyl]-1H-1,2,4-triazole, 1-[2(2,4-dichlorophenyl)-1,3-dioxolan-2-ylmethyl]-1H-1,2,4-triazole, (RS)-2(2,4-dichlorophenyl-1-yl)-1H-1,2,4-triazole-2-yl)-2-ol, 1-N-propyl-N-[2,4,6-trichlorophenoxy)ethyl] carbamoylimidazol and combinations thereof.

The following claims have been added:

--29. The method of Claim 7, wherein said insecticide is 1-(6-chloro-3-pyridylmethyl)-2-nitroimino-imidazolidine and said fungicide is  $\pm\alpha$ [2-(4-chlorophenyl ethyl)- $\alpha$ -(1,1-dimethylethyl)-1H-1,2,4-triazole-1-ethanol.

30. The method of Claim 15, wherein said insecticide is 1-(6-chloro-3-pyridylmethyl)-2-nitroimino-imidazolidine and said fungicide is  $\pm\alpha$ [2-(4-chlorophenylethyl)- $\alpha$ -(1,1-dimethylethyl)-1H-1,2,4-triazole-1-ethanol. --